

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DALE AINSLEY LEO EWERS,

Plaintiff,

-against-

NEW YORK EYE & EAR HOSPITAL,

Defendant.

23-CV-2303 (LTS)

ORDER DIRECTING PRISONER  
AUTHORIZATION

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff, who is currently detained at the Miami-Dade Metro West Detention Center in Miami, Florida, brings this action *pro se*. He submitted the complaint without payment of the filing fees or an application to proceed *in forma pauperis* (“IFP”) and a prisoner authorization. By order dated March 29, 2023, the Court directed Plaintiff to either pay the \$402.00 in fees that are required to file a civil action in this court or submit, within 30 days, a completed IFP application and prisoner authorization. (ECF No. 4.) On May 9, 2023, the Court received from Plaintiff an IFP application, but he did not submit a prisoner authorization. (ECF No. 5.)

Because Plaintiff proceeds in this matter *pro se*, the Court grants him another opportunity to submit a prisoner authorization. The Court therefore directs Plaintiff to pay the \$402.00 in fees or submit the attached prisoner authorization within 30 days of the date of this order. If Plaintiff complies with this order, the case shall be processed in accordance with the procedures of the Clerk’s Office. If Plaintiff fails to comply with this order within the time allowed, the action will be dismissed.

Plaintiff’s motions for the production of documents (ECF Nos. 2-3) are denied without prejudice to renewal at a later date.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444–45 (1962) (holding that appellant demonstrates good faith when seeking review of a nonfrivolous issue).

SO ORDERED.

Dated: September 25, 2023  
New York, New York

/s/ Laura Taylor Swain

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LAURA TAYLOR SWAIN  
Chief United States District Judge

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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(full name of the plaintiff/petitioner)

-against-

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CV ( ) ( )

(Provide docket number, if available; if filing this with your complaint, you will not yet have a docket number.)

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(full name(s) of the defendant(s)/respondent(s))

**PRISONER AUTHORIZATION**

By signing below, I acknowledge that:

- (1) because I filed this action as a prisoner,<sup>1</sup> I am required by statute (28 U.S.C. § 1915) to pay the full filing fees for this case, even if I am granted the right to proceed *in forma pauperis* (IFP), that is, without prepayment of fees;
- (2) the full \$350 filing fee will be deducted in installments from my prison account, even if my case is dismissed or I voluntarily withdraw it.

I authorize the agency holding me in custody to:

- (1) send a certified copy of my prison trust fund account statement for the past six months (from my current institution or any institution in which I was incarcerated during the past six months);
- (2) calculate the amounts specified by 28 U.S.C. § 1915(b), deduct those amounts from my prison trust fund, and disburse those amounts to the Court.

This authorization applies to any agency into whose custody I may be transferred and to any other district court to which my case may be transferred.

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Date

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Signature

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Name (Last, First, MI)

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Prison Identification #

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Address

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City

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State

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Zip Code

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<sup>1</sup> A "prisoner" is "any person incarcerated or detained in any facility who is accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law or the terms or conditions of parole, probation, pretrial release, or diversionary program." 28 U.S.C. § 1915(h).